
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY JAMES MAMOTH, JR.,

Defendant.

§
§
§
§
§
§
§
§

NO. 1:19-CR-146-MAC

**ORDER ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT'S MOTION**

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration and entry of proposed findings and recommended disposition. Judge Hawthorn issued his Report and Recommendation on the Defendant's Motion to Transfer Venue and recommended that the court deny the motion. (Doc. No. 188.)

The court conducted a *de novo* review pursuant to Fed. R. Civ. P. 72(b)(3) and 28 U.S.C. § 636(b)(1)(C) of the pending motion, the record, and the applicable law. In Mamoth's objections, he argues that there are three press releases that were released to three different cities that are also available on social media related to his prior guilty plea. (Doc. No. 213.) Mamoth does not attach the press releases complained of, nor does he recite with any specificity what the press releases report. Mamoth has not satisfied his burden of demonstrating pretrial publicity so inflammatory that it establishes a presumption of prejudice. *See United States v. Harrelson*, 754 F.2d 1153, 1159 (5th Cir.1985). Any issues regarding the media coverage of his case and possible prejudice can be examined through questioning the prospective jurors during *voir dire*. Therefore, the court finds Mamoth's objections have no merit and Judge Hawthorn's findings are correct.

Accordingly, the court OVERRULES the Defendant's Objections (Doc. No. 213), ADOPTS Judge Hawthorn's Report and Recommendation (Doc. No. 194) and DENIES the Defendant's Motion to Transfer Venue. (Doc. No. 188).

SIGNED at Beaumont, Texas, this 5th day of January, 2021.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE